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**DELIBERATIVE AGENDA**

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**ADJOURNED MEETING, CITY COUNCIL**  
**CONTOIS AUDITORIUM, CITY HALL**  
**MONDAY, JANUARY 25, 2010**  
**7:11 P.M.**

PRESENT: Councilors Adrian, Bushor, Berezniak, Caldwell, Davis, Ellis, Kaplan, Shannon, Keogh,  
Paul, Decelles, Dober, Mayor Bob Kiss

ABSENT: Councilor Kehoe

ATTORNEY'S OFFICE: Ken Schatz

CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr., Ben Pacy, Lori Olberg & Sue Trainor

1. AGENDA

Councilor Adrian made a motion to accept the agenda as amended.

2. PUBLIC FORUM

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff		Vermont State's Attorney
Mike Glynne	UVM Student Govt.	Common Ground Summit
Roger Cole	3	Supports New Format
Peter Potts	Planning Commission	Planning Commission Updates

3. CONSENT AGENDA

4. PUBLIC HEARINGS: Burlington Comprehensive Development Ordinance Proposed  
ZA-10-01 Parallel Sign Height Exemption and ZA-10-03 Conditional  
Use and Major Impact Review Exemptions

David White, Director of Planning and Zoning, provided background information on the proposed zoning ordinances.

4.01. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice

The Public Hearing opened at 7:17 p.m. As no one came forward to speak to either of the following ordinances, the Public Hearing closed at 7:18 p.m.

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Parallel Signs Height Exemption in E-LM #ZA 10-01  
(Planning Dept.)(2<sup>nd</sup> reading)

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Conditional Use Exemptions #ZA 10-03 (Planning Dept.)  
(2<sup>nd</sup> reading)

Councilor Shannon made a motion to waive the reading and place this communication on file. Councilor Bushor seconded the motion and the motion passed unanimously.

5. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Short Titles and Text for March 2, 2010 Annual City Meeting Charter Change Questions

Councilor Adrian made a motion to approve the communication, seconded by Councilor Shannon. The motion passed unanimously.

6. RESOLUTION: Authorization for Ballot Question for March 2, 2010 Annual City Meeting Revenue Bond for Burlington International Airport (Board of Finance)

Councilor Davis made a motion, seconded by Councilor Bushor to waive the reading and adopt the resolution. The motion passed unanimously.

- 6.1. (was 3.06) RESOLUTION: Authorization to Contract for Additional Services Associated with Expansion of Parking Structure at Burlington International Airport (Board of Finance)

Councilor Davis made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. The motion passed unanimously.

7. RESOLUTION: Authorization for a Request for Proposals for an Independent Budget Consultant (Councilors Keogh, Bushor, Davis)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. Councilor Shannon made a motion to change line 42 on page 2 to read: all City Departments and Enterprise Funds. This was not considered friendly. Councilor Ellis supported the motion. Councilor Caldwell called a recess at 8:14 p.m. Reconvened at 8:17 p.m. Councilor Bushor then stated that she and Councilor Davis considered the motion friendly. She suggested the Council should consider whether to add more money to the request. Following concerns from Councilor Paul a recess was called at 8:26 p.m., reconvening at 8:30 p.m. The motion passed unanimously.

8. RESOLUTION: Establishing Pay Level for Code Enforcement Director William Ward (Councilors Keogh, Davis: Board of Finance)

Councilor Davis made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. The motion passed by a vote of 11 to 2, with Councilors Shannon and Decelles voting against.

9. RESOLUTION: UVM's Progress in Building More Student Housing on Campus (Councilors Adrian, Kaplan, Berezniak, Kehoe)

Councilor Adrian made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. The motion passed unanimously with Councilor Davis abstaining from the vote due to his employment with UVM.

10. COMMUNICATION: City Councilors, re: General City Affairs

11. COMMUNICATION: Mayor Kiss, re: General City Affairs

12. COMMITTEE REPORTS

13. COMMUNICATION: Lieutenant Kristian Carlson, Unit Supervisor, Burlington Police

Department, Street Crimes Unit (SCU), re: Operational Overview  
*Six Month Executive Summary May – October 2009*

Councilor Adrian made a motion to waive the reading, accept the communication and place it on file, seconded by Councilor Caldwell. The motion passed unanimously.

14. ADJOURNMENT

Council President adjourned the meeting at 9:23 p.m. to go into the City Council with Mayor Presiding.

**CITY COUNCIL WITH MAYOR PRESIDING**  
**MONDAY, JANUARY 25, 2010**  
**9:24 PM**

**MAYOR KISS PRESIDING:**

Present: See above

1. AGENDA

Councilor Decelles made a motion to approve the agenda, seconded by Councilor Caldwell. The motion passed unanimously.

2. APPOINTMENT: Board for Registration of Voters (Term expires 6/30/12)

Councilor Dober, seconded by Councilor Keogh, nominated Danielle Kingsbury to the Board for Registration of Voters. The motion passed unanimously.

3. ADJOURNMENT

Councilor Davis made a motion, seconded by Councilor Caldwell, to adjourn the meeting at 9:25 p.m. The motion passed unanimously.

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**CONSENT AGENDA**

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**ADJOURNED MEETING, CITY COUNCIL**  
**MONDAY, JANUARY 25, 2010**

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Authorization to Amend Cooperative Agreement for the Champlain  
Parkway Project (Board of Finance)

\*waive the reading and adopt the resolution

3.03. RESOLUTION: Approval of 2010 Parks & Recreation Boat Slip Fees (Board of Finance)

\*waive the reading and adopt the resolution **(REMOVED)**

3.04. RESOLUTION: Reclassification and Title Change of Burlington City Arts Marketing and  
Public Relations Director Position (Board of Finance)

\*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Contract for Services Associated with Energy  
Conservation Projects at Burlington International Airport (Board of

Finance)

\*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Contract for Additional Services Associated with Expansion of Parking Structure at Burlington International Airport (Board of Finance)

\*waive the reading and adopt the resolution **(REMOVED AND PUT ON DELIBERATIVE AS 6.1)**  
**(per Councilor Adrian)**

3.07. RESOLUTION: Authorization for Land Purchase and Relocation Services in Anticipation of AIP Grant Funds for Burlington International Airport (Board of Finance)

\*waive the reading and adopt the resolution

3.08. RESOLUTION: Approval of Seventh Amendment to Agreement of May 5, 1983, Between City of Burlington and Shelburne Limestone Corporation (Board of Finance)

\*waive the reading and adopt the resolution

3.09. RESOLUTION: Approval of Burlington Electric Department's Net Metered Renewable Energy Source Rider (Board of Finance)

\*waive the reading and adopt the resolution

3.10. COMMUNICATION: Bob Kiss, Mayor to Board of Finance, re: Legislative Advocacy for CJC

\*waive the reading, accept the communication and place it on file

3.11. RESOLUTION: Supplemental Budget Resolution #2010-06 Appropriation Changes to City Attorney's Budget (Councilors Davis, Decelles: Board of Finance)

\*waive the reading and adopt the resolution

3.12. ORDINANCE: FIRE PROTECTION AND PREVENTION – Installation and Maintenance (Fire Department)(1<sup>st</sup> reading)

\*consider first reading and refer to the Ordinance Committee

3.13. ORDINANCE: WASTEWATER, STORMWATER & POLLUTION CONTROL Stormwater Management (Public Works Dept. & Commission) (1<sup>st</sup> reading)

\*consider first reading and refer to the Ordinance Committee

3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance January 4, 2010 Minutes of Meeting

\*waive the reading, accept the communication and place it on file

3.15. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance January 11, 2010 Minutes of Meeting

\*waive the reading, accept the communication and place it on file

3.16. COMMUNICATION: Timothy Hamblett, re: Car Idling Ordinance

\*waive the reading, accept the communication and place it on file

3.17. COMMUNICATION: Peter L. Potts, Chair, Burlington Planning Commission, re: Update on Planning Commission Activities, October – December 2009

\*waive the reading, accept the communication and place it on file

3.18. COMMUNICATION: Sara Moulton, Mapping & GIS Specialist, State of Vermont, Policy and Planning Division Mapping Unit, re: 2010 Certificate of Highway Mileage

\*waive the reading, accept the communication, place it on file and send to DPW Director Goodkind for completion

3.19. COMMUNICATION: Burlington Development Review Board, re: Public Hearing Notice

\*waive the reading, accept the communication and place it on file

3.20. COMMUNICATION: City Council President Keogh, re: Council President Memo-Jan. 16, 2010

\*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Fletcher Free Library, re: Co-director's Report: January 2010

\*waive the reading, accept the communication and place it on file

3.22. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

156 Bistro, 156 St. Paul Street, Thursday, January 28, 2010, 8 p.m. – 11 p.m., Acoustic Guitar Player Chad Hollister During Dining Hours, No Dancing

\*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for 156 Bistro

3.23. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Miguels on Main, 30 Main Street, Suite 100, Friday, January 29, 2010, 9 p.m. – 1:30 a.m., DJ Hector Cobeo Playing Salsa Style Music, Dancing

\*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for Miguels on Main

3.24. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Magnolia Bistro, One Lawson Lane, Suite 10, Friday, January 29, 2010, 8 p.m. – 12 a.m., Haitian Benefit, All proceeds will go to Partners in Health-Stand with Haiti, Dancing

\*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for Magnolia Bistro

3.25. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

156 Bistro, 156 St. Paul Street, Thursday, February 11, 2010, 7 p.m. – 12 a.m., Seven Days Singles Night, DJ, No Dancing

\*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for 156 Bistro

3.26. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Miguels on Main, 30 Main Street, Suite 100, Friday, February 12, 2010, 9:30 p.m. – 1:30 a.m., DJ Hector Cobeo Playing Salsa Style Music, Dancing

\*waive the reading, accept the communication, place it on file and approve this one day only special

event indoor entertainment permit application for Miguels on Main

- 3.27 COMMUNICATION: Gail Champnois, Director, UVM Office of Student and Community Relations, Community Coalition Co-chair and Mike Glynne, Chair, UVM Student Government Association Committee on Legislative Action, Community Coalition Co-chair

\*waive the reading, accept the communication and place it on file

- 3.28. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Employees Retirement System Actuarial Valuation for June 30, 2009

\*waive the reading, accept the communication and place it on file.

- 3.29. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: General Fund Revenue and Expense Report through November 30, 2009.

\*waive the reading, accept the communication and place it on file.